

CHAPTER VI.

CHAPTER CASES.

Ch. VIII, Chapter VIII of the Criminal Procedure Code
Cr. P. C. deals with the prevention of offences and an Assistant Collector will find that "Chapter Cases" are in some respects more difficult than ordinary trials.

As Sub-Divisional Magistrate you are responsible for the preservation of law and order in your Sub-Division, and this is not a duty which you can leave entirely to the Police.

From your visits to villages you will soon get to know as well as the Police (though not in such detail) the villages which are particularly troublesome, the villages where factions exist, where such factions are likely to lead to breaches of the peace, and where breaches of the peace will probably result in serious affrays or murder. In your talks with Mamlatdars, local gentlemen, officials, villagers, etc. in your Sub-Division, you may learn the name of any notorious bully who wields an undue influence in his village, or of the itinerant, possibly Pathan, money-lender who extracts his dues with a stick, or of the unscrupulous landlord, who has reduced his backward class tenants to predial slavery. You may come across villages where it is rumoured that so and so is at the back of a gang of thieves, or is a goldsmith with a reputation for receiving stolen property. You will receive petitions making allegations of intimidation, assault, theft, etc., against individuals, opposite parties, the village Ramoshis, etc.

It is for you to see that action is taken in all reasonable cases. Most Chapter VIII cases are of course initiated

by the Police, but if information comes to you through other channels, and you think that action may be desirable for preservation of the peace, etc., you must instruct the police to investigate the matter and, if necessary, to send up a case.

Section 107, Security for keeping peace, is useful in dealing with factious villages. Sometimes even the mere initiation of proceedings against the leaders of both factions will lead to a reconciliation and no action be necessary. But remember that, if by binding over the leaders of one or both sides, you are likely to prevent a dacoity, or a murder, or two, being committed, it is your duty to take action. In some parts faction riots and serious affrays are seasonal, and action should be taken just before the murder season sets in, e.g., villagers may drink to get warm after a cold day's work in the rain during the rice transplanting season, and having drink taken, start rows with their enemies, ending in the death of one or two.

Section 110 is sometimes difficult inasmuch as by Section 117 (4), evidence of general repute is admissible to prove or indicate that a man is a robber, receiver of stolen property, harbourer of thieves, etc., etc. Only experience will teach you what weight can be given to evidence of repute. "There is no smoke without a fire" is normally *not* a safe rule of evidence, but on the other hand common repute in a village is usually a pretty safe guide to a man's character, provided that it is not distorted by faction or personal enmity. Remember that the villager who gives evidence against

a local blackguard will not do so without good reason for fear of revenge, again subject to the proviso above. It is often useful to hear such Section 110 cases in the village concerned, where local public opinion will have an effect on the truthfulness of witnesses which it would not at a distant Taluka town.

Conditions in the remoter parts are often such that one ruffian can be a terror to his fellow villagers, who are unlikely to try to take any action against him, unless they know that the Police and Magistrates understand local conditions and are anxious to ensure that everyone should live in peace and quietness.

Section
109.

Section 109, which provides for security from vagrants or suspected persons, also presents some difficulties. Section 109 (b), which deals with persons who have no ostensible means of sustenance, would, if applied strictly, cover a vast number of beggars, pilgrims and other harmless individuals, and discretion must be used in its application so that it does not become merely a harassment of the poor.